

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MICHAEL E. O'LEARY,

Petitioner,

-v-

JO ANNE B. BARNHART, Commissioner of
Social Security,

Respondent.
-----X

04 Civ. 4377 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

On February 1, 2007, the Honorable Frank Maas, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending that defendant's motion for judgment on the pleadings in this Social Security case be denied, that the petitioner's motion for judgment on the pleadings be granted, and that the matter be remanded to the Commissioner of Social Security for further proceedings.

Defendant has failed to file any objection to the Report and Recommendation, and, for that reason alone, has waived any right to further appellate review. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report and Recommendation, and, for the reasons therein, grants the plaintiff's motion for judgment on the pleadings and remands this matter to the Commissioner of

Social Security for further proceedings consistent with Judge Maas' Report and Recommendation. Clerk to enter judgment.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'JED S. RAKOFF', is written over a horizontal line.

JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
September 17, 2007